

MAY 16, 2016

The regularly scheduled meeting of the Mansfield Township Land Use Board was called to order by Chairman Ali Vaezi at 7:30 PM.

The meeting was opened by stating that adequate notice of this public meeting had been provided in accordance with the Open Public Meetings Act by:

1. posting a notice of this meeting on the bulletin board of the Municipal Building;
2. causing said notice to be published in The Express Times;
3. furnishing said notice to those persons requesting it pursuant to the Open Public Meetings Act; and
4. filing said notice with the Township Clerk.

Present: Vaezi, Mayor Kocher, Korczukowski, Spender, Farino, Drazek, Minter, Keggan, Cruts, Hayes.

Absent: Hight, Barton, Creedon.

Also present: William Edleston, Esquire; Drew DiSessa, P.E.

The Pledge of Allegiance was recited.

There were no resolutions for action by the board.

Regarding the minutes of the April 18, 2016 meeting, Minter offered a correction in the first main paragraph on page two. Minter corrected the second sentence in that paragraph to read **70.612 acres**. Drazek amended the next sentence to read "... planned for the property, and the existing curb ..." DiSessa mentioned that in the Brinkerhoff Enterprises, Inc. matter, the current extension expiration date of June 13, 2016 should be changed to reflect June 30, 2016.

MOTION was made by **DRAZEK** to approve the minutes of the April 18, 2016 meeting, as amended.

SECONDED: SPENDER.

Those in favor: Mayor Kocher, Spender, Farino, Drazek, Vaezi.

Opposed: None.

Abstained: Korczukowski, Minter, Keggan.

Case # 16-01, Spender Family Trust Minor Subdivision

Present for the applicant: Richard Keiling, Esquire; John Bleeker, P.E.; Doug Spender

David Spender recused from the public hearing.

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Keiling explained the subject property involves a portion in Independence Township. Keiling stated he contacted the Land Use Board attorney in Independence Township regarding the need for an application in that township. Keiling stated the applicant would comply with the decision rendered by Independence, but they were hoping for a waiver from applying to their board. Keiling indicated the side yard boundary line had been moved to eliminate the need for the variance.

Entered as Exhibit A-1 – yellow construction department card illustrating the issuance of a building permit and approval of the demolition of a shed

Entered as Exhibit A-2 – Warren County Health Department application for a permit for construction/repair of the sewer disposal system

Keiling explained there were issues with the timeliness of the notice requirements for the Independence Township list, but indicated all would be in order prior to the final resolution.

Keiling stated that revised drawings were delivered to the Land Use Board, and addressed the comments in DiSessa's review letter and had a revision date of 5/16/2016.

Hayes asked questions regarding an overflow for the drywell. DiSessa explained the proposed system.

DiSessa indicated the new remaining lot should be renumbered.

The hearing was opened to the public for comments and questions. There were no comments or questions from the general public.

Edleston suggested the board could informally approve the subdivision, and authorize the draft of a resolution for the next meeting. Edleston stated, because of the notice issue, the board should not take formal action on the application.

MOTION was made by **FARINO** to authorize Edleston to provide a draft resolution approving the minor subdivision for **Case #16-01, Spender Family Trust** for consideration at the next regular meeting.

SECONDED: DRAZEK.

Those in favor: Farino, Drazek, Cruts, Hayes, Mayor Kocher, Vaezi.

Opposed: None.

Abstained: None.

Dave Spender returned to the board.

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Case #16-02, Brinkerhoff Enterprises, Inc.

Present for the applicant: Alan Lowcher, Esquire; Ron Brinkerhoff; Peter Olieman, P.E.

Lowcher explained the applicant's major subdivision approval, which was extended through the Permit Extension Act, would expire June 30, 2016.

Entered as Exhibit A-1 – reduced size subdivision map dated 5/3/2016

Olieman noted a few changes were made to the plans since the last meeting. Olieman explained the corner markers were **noted**, and the fire tank relocated. Olieman explained a note was included on the plan indicating the lot owner would be responsible for the maintenance of the stormwater management facility. Edleston stated there would have to be a deed restriction to reflect the lot owner would be assessed fees if the Township had to maintain the facility.

Olieman explained he toured the site, and indicated some of the trees had to be replaced.

DiSessa mentioned there is a sizable sinkhole near the spillway. Olieman stated he wasn't certain if there was a restoration guarantee in place. DiSessa explained the site is substantially improved, and a restoration guarantee would be for stabilization if needed. Edleston stated the restoration guarantee could be waived since the site is basically stabilized.

Lowcher stated a draft Developer's Agreement, performance guarantee, and inspection fees would be submitted for review by the board attorney and engineer.

Farino stated any planned trees should be relocated behind the sidewalks, and as far from the street as possible. Olieman indicated the new trees could be relocated, if necessary, but the project is substantially improved and some of the trees are already pre-planted. DiSessa indicated there could possibly be a condition that any remaining trees be planted at least 10' behind the sidewalks.

Farino stated, in his opinion, any dead trees shouldn't be replaced. Olieman indicated there are approximately sixteen trees that need to be replaced.

Drazek and Minter stated it was their opinion that it is important to replace trees where possible.

Lowcher stated the performance guarantee will provide for the replacement of dead trees, but consideration can be given at that time as to actually replacing them or not. Lowcher explained there is an approved plan in place, but if a new Ordinance is adopted regarding tree installation they would consider the impact to their site.

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Vaezi stated there must be a tree species that wouldn't impact sidewalks.

Mayor Kocher stated the tree report submitted by Don Proefrock is being reviewed by the Township Attorney for possible future recommendations.

The hearing was opened to the public for comments and questions. There were no comments or questions from the general public.

MOTION was made by **FARINO** to grant final major subdivision approval for **Case #16-02, Brinkerhoff Enterprises, Inc.**, subject to any and all conditions discussed.

SECONED: VAEZI.

Those in favor: Korczukowski, Spender, Farino, Drazek, Keggan, Cruts, Mayor Kocher, Vaezi.

Opposed: None.

Abstained: Minter.

Edleston recommended the board enter into an Executive Session in order to discuss pending litigation.

WHEREAS, N.J.S. 2:4-12, Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist:

NOW, THEREFORE BE IT RESOLVED by the Land Use Board of the Township of Mansfield, County of Warren, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the hereinafter specified subject matters:

The general nature of the subject matter to be discussed is as follows:

- Pending Litigation
2. It is anticipated at this time that the above matter will be made public upon completion of the session,
 3. This Resolution shall take effect immediately.

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MOTION was made by **VAEZI** to adopt the above **RESOLUTION**, and to adjourn to Executive Session at 8:21 PM in order to discuss pending litigation.

SECONDED: MAYOR KOCHER.

Those in favor: Spender, Farino, Drazek, Minter, Keggan, Cruts, Hayes, Mayor Kocher, Korczukowski, Vaezi.

Opposed: None.

Abstained: None.

The Land Use Board returned to open session at 8:34 PM.

There was no old business discussed.

Under new business, Drazek mentioned the tree report submitted by Don Proefrock, and it should be looked at further. Minter and Edleston replied the matter is at the Township Committee for review. Edleston further stated the matter would be referred to the Land Use Board for consideration if the Township Committee felt a change was necessary.

Further discussion was held regarding the issue of trees in general, and specifically the placement of trees with regards to sidewalks.

Minter asked what ever happened with the Ordinance revision regarding accessory buildings. Edleston replied the proposed Ordinance was reviewed and passed at this board, and was now a Township Committee matter.

MOTION was made by **FARINO** to authorize payment by the Township Committee the invoices as submitted by the professionals.

SECONDED: SPENDER.

Those in favor: Drazek, Keggan, Cruts, Mayor Kocher, Korczukowski, Spender, Farino, Vaezi.

Opposed: None.

Abstained: None.

The Chairman adjourned the meeting at 8:46 PM.

Respectfully submitted,

Patricia D. Zotti, Clerk
As Amended

